



Richland County Council

REGULAR SESSION
May 2, 2017 – 6:00 PM
Council Chambers

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Yvonne McBride, Paul Livingston, Seth Rose, Greg Pearce, Calvin “Chip” Jackson, Dalhi Myers, and Norman Jackson

OTHERS PRESENT: Beverly Harris, Jamelle Ellis, Brandon Madden, Sandra Yudice, Michelle Onley, Chad Fosnight, Gerald Seals, Sandra Haynes, Larry Smith, Pam Davis, Lillian McBride, Rob Perry, Wanda Kelly, Ismail Ozbek, Tracy Hegler, Quinton Epps, Jennifer Wladischkin, Laura Renwick, Brad Farrar, Kevin Bronson, Kimberly Williams-Roberts and Jeff Ruble

CALL TO ORDER – Ms. Dickerson called the meeting to order at approximately 6:00 PM.

INVOCATION – The invocation was led by the Honorable Greg Pearce.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by the Honorable Greg Pearce.

APPROVAL OF MINUTES

- a. Regular Session: April 18, 2017 – Ms. Myers moved, seconded by Ms. McBride, to approve the minutes as distributed. The vote in favor was unanimous.
- b. Zoning Public Hearing: April 25, 2017 – Ms. Myers moved, seconded by Mr. Livingston, to approve the minutes as distributed. The vote in favor was unanimous.
- c. Special Called Meeting: April 27, 2017 – Mr. N. Jackson moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. N. Jackson moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. Transportation Matter/Potential Litigation
- b. Utility/Contractual Matter
- c. Personnel Matter
- d. Update on Audit
- e. Legal Advice: Enforcement of Land Development Code

CITIZENS INPUT: For Items on the Agenda Not Requiring a Public Hearing – No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

- a. Richland 101 – Ms. Christine Keefer, Richland 101 participant, thanked Richland County staff for providing the class and gave a brief overview of what she learned during the program.
- b. Personnel Matter – This item was taken up in Executive Session.
- c. Presentation of CAFR – Mr. Tom McNeish with Elliott Davis gave a brief overview of the County's CAFR.

REPORT OF THE CLERK OF COUNCIL

- a. REMINDER: Budget Work Sessions (4:00 – 6:00 PM):
 1. May 9 – Special Revenue, Enterprise, Millage Agencies and Elected Officials
 2. May 11 – Grants

Ms. Onley reminded Council of the upcoming budget work sessions.

- b. REMINDER: 2017 Small Business Week Events:
 1. May 3 – SBA Salute to Small Business, 8:30 AM, Convention Center
 2. May 4 – City of Columbia Small Business Week Conference, 8:30 AM, Convention Center

Ms. Onley reminded Council of the upcoming Columbia Chamber of Commerce Small Business Week events.

- c. Public Works Week Luncheon, Wednesday, May 24, 11:30 AM, Public Works Complex – Powell Rd.

Ms. Onley stated Council had received an invitation to attend the Public Works Week Luncheon.

REPORT OF THE CHAIR

Ms. Dickerson stated she is working with Mr. Seals on how to market and brand the County.

OPEN/CLOSE PUBLIC HEARINGS

- a. An Ordinance Authorizing a deed to Sallie B. W. Roberts for 0.0132± Acres to Cyrus West Road, in Richland County, which is a portion of TMS # 32800-01-25 – No one signed up to speak
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 5, Animals and Fowl – No one signed up to speak.
- c. An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate up to Eighty Seven Thousand Eight Hundred Sixty Four Dollars (\$87,864) to increase funding to the Board of Voter Registration and Elections Department for the upcoming State House of Representatives District 70 Special Election for Richland County – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- a. An Ordinance Authorizing a deed to Sallie B. W. Roberts for 0.0132± Acres on Cyrus West Road, in Richland County, which is a portion of TMS # 32800-01-25 [THIRD READING]
- b. 17-007MA, Cox & Dinkins, RM-HD to GC (0.8 Acres), Daulton Drive & Barbara Drive, TMS # R17012-02-12 [SECOND READING]
- c. 17-008MA, Cox & Dinkins, OI to GC (10.33 Acres), Daulton Drive, Blarney Drive & Barbara Drive, TMS # R17012-02-01 [SECOND READING]
- d. 17-009MA, Krystal Martin, GC to LI (5 Acres), 10539 Farrow Road, TMS # R17500-02-18 [SECOND READING]
- e. FY17 – District 8 Hospitality Tax Allocations – Mr. Pearce moved, seconded by Mr. N. Jackson, to reconsider this item. The motion for reconsideration failed.

Mr. Pearce moved, seconded by Ms. Myers, to approve the consent items. The vote in favor was unanimous.

THIRD READING

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 5, Animals and Fowl – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

Ms. McBride inquired if the City of Columbia had adopted this ordinance.

Ms. Haynes stated the City has adopted the ordinance.

Ms. McBride made a friendly amendment to add to Sec. 5-4(c)(3) the following language: “Unless the property owner or caretaker requests the cat not be returned to that location.”

Mr. Malinowski stated his concerns with the program are with Sec. 5-8, which outlines what an owner of an animal cannot do (i.e. Allowing or permitting an animal to damage property...turning over garbage containers or damaging gardens, flowers, or vegetables; Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety...)

According to this section, if an animal is picked up the owner has to do certain items before the animal can be released to them. The County is picking up these animals and we cannot assure the animals are going to be properly cared for and maintained. It appears it's the government telling the people do as I say, not as I do; therefore, he cannot support this ordinance.

FOR

AGAINST

Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Myers
McBride

The vote in favor of the friendly amendment was unanimous.

Mr. Livingston moved, seconded by Ms. Myers, to approve the ordinance as amended.

Mr. Pearce stated this ordinance has been worked on for over a year. It has had Richland County's Animal Care Department, the Lexington County's Animal Care, the City of Columbia Animal Care, the Animal Advisory Committee, and input from the community. There has been ample opportunity to change the ordinance up until this point and time. He would encourage if there are concerns with the ordinance to come back and amend the ordinance later, but to continue with the ordinance as presented to this point.

Ms. Myers inquired about the new language in Sec. 5-12(a) . (i.e. new language: "for the immediate protection of the animal or the public and shall issue a uniform ordinance...") and requested that the original language be retained.

Ms. Haynes stated the additional language was a recommendation from the Legal Department.

Mr. C. Jackson stated he echoed Ms. McBride's amendment and the efforts Animal Care has gone to gives him a greater level of comfort over a rapidly out of control population.

Mr. Rose stated the rationale behind this ordinance is to address the concerns of the overgrown population.

Ms. Myers expressed concern over obtaining search warrants to search for animals in distress.

Ms. Haynes stated Animal Care obtains the search warrant, but they do not execute the search warrant alone. The Sheriff's Department is there to assist with the execution of the warrant.

FOR

AGAINST

Pearce
Rose
C. Jackson
N. Jackson
Dickerson
Livingston
Myers
McBride

Malinowski

The vote was in favor.

An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate up to Eighty Seven Thousand Eight Hundred Sixty Four Dollars (\$87,864) to increase funding to the Board of Voter Registration and Elections Department for the upcoming State House of Representatives District 70 Special Election for Richland County – Mr. Livingston moved, seconded by Mr. N. Jackson, to approve this item.

FOR

Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Myers
McBride

AGAINST

The vote in favor was unanimous.

SECOND READING

- a. An Ordinance Authorizing the execution and delivery of a fee in lieu of tax agreement by and between Richland County and (Project Feng) (the “Company”); the execution and delivery of an infrastructure finance agreement by and between Richland County and the Company; the execution and delivery of such documents as may be necessary to effect the intent of this ordinance; and other matters related thereto – Ms. Myers moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

- a. Council Motion: Adjust mandated funding for programs and agencies by the percentage reduced by the Local Government Fund – Mr. Rose stated the committee recommended to leave it to Council’s discretion to determine the funding for the programs and agencies during the budgeting process. However, it was recommended to explore placing on the tax bill a statement regarding how much the tax bill would have been had the LGF been fully funded.

Mr. N. Jackson stated he understands the committee’s recommendation to inform the taxpayers that the legislators have failed to do their jobs, but at the end of the day Council has to pick up the slack. If the LGF is cut 30% then the County is short 30%, which means citizens have to be taxed to cover the additional 30%. At the end of the legislation session, there is millions of dollars to support projects. Over the past 5-7 years the State legislators have continued to mandate that the County has to cover these agencies.

Council complains about the cuts, but continues to find the money to fund the agencies. Therefore, the motion was to cut the agencies by the percentage cut by the State and let the State find the funding to support the agencies instead.

Mr. N. Jackson made a substitute motion, seconded by Mr. Malinowski, to support the motion to adjust the mandated funding for programs and agencies by the percentage reduced by the Local Government Fund.

Ms. Myers inquired if the suggestion is to take the \$6.3 million and divide it by the number of agencies the County is mandated to fund and reduce the various agencies by that amount.

Mr. N. Jackson stated that is correct.

Mr. Pearce stated in concept he understands the motion, but on a practical basis he does not understand how we can cut funding to agencies such as the Dept. of Social Services.

Mr. C. Jackson stated this is nothing more than an unfunded mandated and unfortunately that happens all the time. The school districts have been greatly impacted by unfunded mandates, but they have to continue educating the students. Therefore, he agrees in theory with Mr. N. Jackson's comments, in reality simply saying you are going to unilaterally cut without a strategic approach to reduce funding is not a sound or prudent approach and puts Council in the same boat as the State.

Mr. N. Jackson every year Council has the same discussion and every year Council appropriates the dollars. Every year we ask the agencies to let the legislature know what they are doing is wrong. If the agencies feel the pinch, then the State will have to explain to the public why the funding was cut.

Mr. Rose stated he agrees with Mr. C. Jackson's comments about taking a prudent approach. It's not just the \$6.5 million this year, but the slashes to the Dept. of Mental Health which puts people who should be in bed spaces at the State agencies at the Detention Center for trespassing. The County is then trying to figure out how to treat mentally ill inmates at the Detention Center.

FOR

N. Jackson
Malinowski

AGAINST

Pearce
Rose
C. Jackson
Dickerson
Livingston
Myers
McBride

The substitute motion failed.

FOR

Pearce
Rose
C. Jackson
Dickerson
Livingston
Myers
McBride

AGAINST

N. Jackson
Malinowski

The vote was in favor.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

- a. Award of the Summit Sidewalk 2017 Project – Mr. Malinowski inquired if there is currently a list of sidewalks to be completed in Richland County.

Mr. Perry stated there are 56 sidewalks projects listed in the Transportation Penny Program.

Mr. Ozbek stated this is a SCDOT grant project. Requests for sidewalk projects usually come from schools, neighborhoods, etc.

Mr. Seals stated there is not a definitive list, but staff is taking a comprehensive inventory to better address needs in the County.

Mr. Malinowski inquired about the percentage of CTC funds this project covers.

Mr. Ozbek stated the County receives \$1.4 million annually with this project receiving approximately one-third of the funding.

Mr. C. Jackson moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

- b. Capital Projects: Authorization of Purchase Contract for 7615 Wilson Blvd. – Mr. Pearce stated this is a project to replace the Dentsville magistrate’s office. The committee recommended approval of this item.

Mr. Malinowski stated in the future he would like to see more thorough appraisals provided. In addition, he stated there was a 90-day provision on the agreement and inquired if the agreement had been redone since the 90 days have expired. He also requested a copy of the estimate for renovations. Lastly, he inquired about how many square feet the magistrate needs and what the additional square feet will be utilized for.

Mr. Fosnight stated the magistrate needs approximately 7,000 square feet and the other 8,000 square feet could be utilized to co-locate County services (i.e. Sheriff’s Dept.).

FOR
Pearce
Rose
C. Jackson
N. Jackson
Dickerson
Livingston
Myers
McBride

AGAINST
Malinowski

The vote was in favor.

Mr. Rose moved, seconded by Mr. Livingston, to reconsider this item. The motion for reconsideration failed.

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. 2017 Resurfacing Package I: Construction Contract Award – Mr. Livingston stated the committee recommended awarding the contract to LCI-Lineberger Construction. The contract constitutes 9 paved roads maintained by the County located in Council District 1. The project includes a 5.06% SLBE goal. The award is in the amount of \$758,626.92 and to authorize a 10% contingency in the amount of \$75,862.69. This would place the total authorization at \$834,489.61. The vote in favor was unanimous.

- b. 2017 Resurfacing Package J: Construction Contract Award – Mr. Livingston stated the committee recommended awarding the contract to LCI-Lineberger Construction. The contract constitutes 8 paved roads maintained by the County located in Council District 2. The project includes a 4.86% SLBE goal. The award is in the amount of \$480,196.91 and to authorize a 10% contingency in the amount of \$480,169.69. This would place the total authorization at \$528,216.60. The vote in favor was unanimous.
- c. 2017 Resurfacing Package K: Construction Contract Award – Mr. Livingston stated the committee recommended awarding the contract to LCI-Lineberger Construction. The contract constitutes 8 paved roads maintained by the County located in Council District 7. The project includes a 5.0% SLBE goal. The award is in the amount of \$434,024.41 and to authorize a 10% contingency in the amount of \$43,402.44. This would place the total authorization at \$477,426.85. The vote in favor was unanimous.
- d. 2017 Resurfacing Package M: Construction Contract Award – Mr. Livingston state the committee recommended awarding the contract to C. R. Jackson, Inc. The contract constitutes 56 paved roads maintained by the County located in Council Districts 1, 2, 7 and 9. The project includes a 2.27% SLBE goal. The award is in the amount of \$2,745,111.30 and to authorize a 10% contingency in the amount of \$274,511.16. This would place the total authorization at \$3,019,622.76.

Mr. Malinowski stated there seemed to be more information provided regarding the other resurfacing packages and inquired about the engineer's estimate on this resurfacing package.

Mr. Perry stated there was additional on the other resurfacing packages because they were rebid, but this resurfacing package was only bid one time. The engineer's estimate on this package was \$2.9 million and came in at 8% under the engineer's estimate.

Mr. C. Jackson stated he would like to thank Mr. Perry for assisting him with getting up to speed on the Penny Projects and for his responsiveness to the complaints and concerns of the citizens, especially in District 9.

The vote in favor was unanimous.

- e. Three Rivers Greenway Project: Construction Contract Award – Mr. Livingston stated the committee recommended awarding the contract to AOS Specialty Contractors, Inc. The project includes a 5.9% SLBE goal. The award is in the amount of \$5,927,327 and to authorize a 10% contingency in the amount of \$592,732,700 and \$5,000 for minor utility relocation. This would place the total authorization at \$6,525,059.70.

This project was designed by Kenneth B. Simmons, LLC, which is a certified SLBE with Richland County. The initial design was overseen by the River Alliance. It is recommended to award a construction observation contract to Kenneth B. Simmons in an amount not to exceed \$99,800 to ensure the greenway is constructed in accordance with design plans.

The vote in favor was unanimous.

REPORT OF THE BLUE RIBBON AD HOC COMMITTEE – Mr. Pearce stated all of the County HMGP (4241) applications have been approved by the State and are awaiting final review/approval from FEMA. The Federal HMGP has been increased to \$48 million. The County has submitted HMGP (4286) pre-applications to the State. The estimated funding is at \$36 million.

In addition, the County has received an update on the CDBG-DR Grant Program and were made aware of the public meetings.

- a. Mobile Home Replacement Vendor Approval – This item was deferred until the May 16th Council meeting.
- b. Business Assistance Program (BAP) RFQ – Mr. Pearce stated the committee recommended staff to issue a RFQ to select a third party to serve as the facilitator for a Business Assistance Program.

Mr. Malinowski requested an explanation on how this will assist the business community.

Ms. Hegler stated it is a set aside in the CDBG-DR funds to assist business with any kind of rehabilitation they may need (i.e. business façade, equipment replacement, etc.) It is important to the HUD Program that the community be made whole.

The vote in favor was unanimous.

- c. CDBG-DR Consultancy Services Extension – Mr. Pearce stated the committee recommended approval of a new task order with TetraTech related to the implementation of the CDBG-DR program in the amount of \$1,971,721. The funding comes from the FEMA funds for these services.

Mr. N. Jackson stated even though the funding is not provided by the County it lessens the amount of funding available to assist citizens.

Ms. Hegler stated it is an administrative cost, which is a typical component of a grant this size and is required by HUD. It provides staff to augment the County's staff.

Ms. Myers stated she echoes Mr. N. Jackson's sentiments that it's unfortunate that it lessens the pot. She expressed her appreciation on how hard everyone has worked to get as much funding as possible and to ensure it is used wisely to assist the citizens of Richland County.

The vote was in favor.

CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda – No one signed up to speak.

It was noted that comments during Citizens' Input should pertain to County matters.

EXECUTIVE SESSION

Council went into Executive Session at approximately 7:22 PM and came out at approximately 9:07 PM.

- a. Transportation Matter/Potential Litigation – No action was taken.
- b. Utility/Contractual Matter – This item was deferred.
- c. Personnel Matters – Mr. Malinowski moved, seconded by Mr. Livingston, to uphold the Administrator's recommendations. The vote in favor was unanimous.
- d. Update on Audit – No action was taken.
- e. Legal Advice: Enforcement of Land Development Code – This item was deferred.

MOTION PERIOD

- a. Develop an emergency plan with SCDOT to immediately repair Rabbit Run Road and Bitternut Road. Developers’ constant neglect to repair the storm drainage system causes dangerous flooding. A school bus almost overturned in the flood this morning (April 24, 2017) on Rabbit Run Road. We cannot afford to endanger the lives of citizens, especially school children because of neglect [N. JACKSON] – This item was referred to the D&S Committee.

- b. Council Rule Change: Standing committee meetings will have starting times listed as immediately following the preceding committee meeting, but no later than one hour after the start of the preceding meeting. If the committee meeting(s) have not concluded by the time the Zoning Public Hearing is scheduled to begin, the committee meeting will be recessed until the conclusion of the Zoning Public Hearing. The starting time for the Zoning Public Hearing will be changed from 7:00 PM to 6:00 PM. [MALINOWSKI] – This item was referred to the Rules & Appointments Committee.

- c. It has come to my attention that some Richland County departments employ relatives in the same department in violation of Richland County rules. Direct the Administrator to research the matter, eliminate the problem through transfer, attrition, or dismissal [MALINOWSKI] – This item was referred to the Rules & Appointments Committee.

- d. Hangar Leases: In November of last year I made a Motion for the County Legal Department to review the standard Hamilton-Owens Airport hangar lease. Legal has now completed its review, and it is now appropriate for Council to move toward finalizing any revisions or changes to the model agreement. As such, I move that this matter be forwarded to the appropriate committee of Council (A&F?) and then on to full Council to consider the standard lease. [PEARCE] – This item was referred to the A&F Committee.

ADJOURNMENT – The meeting was adjourned at approximately 9:08 PM.

X

Joyce Dickerson
Chairwoman

X

Bill Malinowski
Vice Chair

X

Calvin "Chip" Jackson
District Nine

X

Norman Jackson
District Eleven

X

Gwendolyn Kennedy
District Seven

X

Paul Livingston
District Four

X

Jim Manning
District Eight

X

Yvonne McBride
District Three

X

Dalhi Myers
District Ten

X

Greg Pearce
District Six

X

Seth Rose
District Five

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council